IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 18 OF 2001.

1. The District Magistrate,
   North Goa District,
   Panaji, Goa.

2. Shri Sanjeev Khirwar,
   resident of Govt. Quarters,
   Altinho, Panaji, Goa. ... Petitioners.

VERSUS

Salgaoncar Mining Industries Ltd.,
a Company incorporated under the
Indian Companies Act, 1956,
(Act 1 of 1956) having its
registered office at Salgaoncar
Chambers, Post Box No.114,
Margao, Goa. ... Respondent.

Mr. A.N.S. Nadkarni, Advocate General with Mr. A.P. Lawande, Public Prosecutor for the Petitioners.

Mr. M.S. Sonak, Advocate for the Respondent.

**CORAM: P. V. KAKADE, J.**

DATE: 17TH OCTOBER, 2002.

ORAL JUDGMENT:

The State has filed this Criminal Revision Application against the Judgment and Order passed by the learned Addl. Sessions Judge, Panaji, dated 22nd May, 2001 only to set aside that part of the said Order holding that the petitioner No.1 has no authority to dispose of the vessel and that only in the event of failure on the part of the respondent herein to remove the vessel within the time given, the District Magistrate has to proceed with the

tender only with the aspect of removing the vessel by refloating and towing it away.

2. Perused the said part of the Judgment and Order passed by the lower Court. After hearing both the parties, I am satisfied that no prejudice would be caused to either side by setting aside the impugned part of the Order dated 22nd May, 2001 keeping remaing order intact.

3. Hence the Criminal Revision Application No.18/2001 is made absolute in terms of prayer clause (a). The operative part of the Order is kept intact, except for the said impugned portion, with liberty to the respondent to move the appropriate authority to raise this issue if and when the occasion arises.

**P. V. KAKADE, J.**

sl.